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High Court Hears 2 Cases On Red Front Registration

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Government efforts to require alleged Communist-front organizations to register with the attorney general may hinge on two cases argued before the Supreme Court yesterday and today.

At issue is the interpretation of language in the 1950 Subversive Activities Control Act describing the type of organization that Congress considers an arm of the Communist movement.

The cases are appeals by the American Committee for Protection of Foreign Born and the Veterans of the Abraham Lincoln Brigade contesting government registration orders filed against them.

The committee, organized in 1932 or 1933, has its headquarters in New York and provides legal counsel for combating attempts to deport aliens or denaturalized naturalized citizens.

The second group, the VALB, is composed of survivors of a unit of approximately 3,000 men who went from this country to fight on the Loyalist side in the Spanish Civil War.

Act's Definition

The 1950 act defines a front as a unit controlled by, and operating primarily to give aid and support to, a Communist action group — in this case, the U. S. Communist party.

The case of the American Committee for Protection of Foreign Born, which was argued first, illustrated some of the complex questions of statutory interpretation involved in both cases.

Attorney Joseph Forer, of Washington, said that the committee over the years had handled between 3,000 and 4,000 cases, mostly involving deportation. A disputed percentage of the cases have involved Communists.

Representing aliens would be considered "laudable" if done by some other group and can not constitutionally be the basis for "drastic consequences" because some Communists may be benefitted, Forer argued.

"It was a way of the Communist party defending its members through funds contributed by non-Communists," contended Bruce J. Terris, an attorney from the solicitor general's office.

"No one can deny that defending a Communist party member aids the Communist party," Terris said. Activity that might otherwise be "benign," he argued, can have a deeper significance.

Justice William O. Douglas, in questions from the bench, raised the point of whether it would "aid" Communists, in the sense of the 1950 act, if a group arranged a Russian ballet tour here.

This would depend, Terris answered, on whether the purpose was to "bolster the image of Russia," and on whether the Communist party controlled the group. If so, he said, it would be a front.

"That's a pretty broad ambit," said Douglas. Terris said that only 14 organizations have been found to be Communist fronts. Douglas dropped the matter after the exchange.

"I don't think that there will be many organizations controlled by Communists that don't do something to aid Communism," Terris told the justices. "That's the purpose."

Forer, in his argument, contended that the government was using the wrong standard. He said that there was no evidence that the committee engaged in or advocated violence or insurrection.

The lawyer argued that there should be some direct benefit to the Communist party such as financial contributions or recruiting aid, before an organization can be held to be a front.

Rulings Appealed

The present appeals by the committee and the VALB are from rulings of the United States Court of Appeals here upholding the orders requiring them to register with the attorney general.

Both groups contend in their high court appeals that provisions of the 1950 act relating to the registration of Communist-front organizations are unconstitutional "on their face" and as applied to them.

The Supreme Court, in 1961, upheld a requirement that the Communist party itself register.